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COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

DATE: August 14, 2002

OFFICE CORRESPONDENCE FILE:

FROM: RICHARD L. CASTRO, COMMANDER
TRAINING DIVISION

TO: SAMMY L. JONES, CAPTAIN
LENNOX STATION

SUBJECT: **EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS AND RECOMMENDATIONS HIT SHOOTING, FEBRUARY 18, 2001, IAB REVIEW #2029880**

The purpose of this memo is to notify you of the review committee's findings and recommendations concerning the use of force incident which occurred on February 18, 2001.

The Committee met on July 25, 2002, and consisted of myself, Commander David Betkey (Commander of the Department) and Commander William McSweeney (Office of the UnderSheriff). The Committee determined that the use of force by Deputies Antonio Sanchez #[redacted] Daniel Chavez #[redacted] and [redacted] #[redacted] and Sergeant Albert Ortiz #[redacted] was within Department policy. **Please advise these personnel of this finding.**

RLC:KRK:kk

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LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
PUBLIC INTEGRITY DIVISION

STEVE COOLEY • District Attorney
LAWRENCE E. MASON • Chief Deputy District Attorney
PETER BOZANICH • Assistant District Attorney

DAVID H. GUTHMAN • Director

June 17, 2002

Captain Frank Merriman
Los Angeles County Sheriff's Department
Homicide Bureau
5747 Rickenbacker Road
Commerce, California 90040

Re: J.S.I.D. File #: 100-8826/01-0116
L.A.S.D. File #: 001-02092-0375-011

Dear Captain Merriman:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the February 18, 2001, fatal shooting of Juan Reyes by Los Angeles County Sheriff Sergeant Albert Ortiz and Deputies Daniel Chavez and Antonio Sanchez. We have concluded that Sergeant Ortiz and Deputies Chavez and Sanchez acted lawfully in self-defense and defense of others.

The following analysis is based upon our review of an investigative file prepared by the Los Angeles County Sheriff's Department, Homicide Bureau, which includes, L.A.S.D. Homicide Bureau investigative reports, property reports, death investigation reports, firearms and analyzed evidence reports, diagrams of the interior of the residence at [redacted] South Normandie Avenue, summaries of witness statements taken during the investigation; 280 photographs of the location of the shooting and 106 photographs taken during the autopsies of Ms. [redacted] and Mr. Reyes. We have also reviewed various reports and autopsies prepared by the Los Angeles Department of Coroner.

The District Attorney's Command Center was notified of the shooting on February 18, 2001, at 11:45 a.m. District Attorney Senior Investigator Brent Smith and the undersigned immediately responded to the Command Post located at [redacted] West 110th Street, Los Angeles. We received a briefing and "walk through" from Lieutenant Daniel P. Rosenberg and a follow up "walk-through" by Captain Frank Merriman of the Los Angeles County Sheriff's Department, Homicide Bureau.

320 West Temple Street
Room 766
Los Angeles, CA 90012
(213) 974-6501

FACTUAL ANALYSIS

On February 18, 2001, at approximately 10:00 a.m., [redacted] who lived at [redacted] South Normandie Avenue, Los Angeles, called her apartment building neighbor [redacted] and told her that her live-in [redacted] Juan Reyes was killing her. Ms. [redacted] heard thumping noises and then silence. The telephone line was disconnected. [redacted] her [redacted] and their [redacted] ran to [redacted] and Reyes's apartment two doors down. They knocked on the front door and yelled for [redacted] to open the door.

Another [redacted] walked up and also yelled for the door to be opened. [redacted] and [redacted] and [redacted] all ran to the back of the apartment where there was a kitchen window into [redacted] and Reyes's apartment. [redacted] removed the screen and they looked inside.

All four saw Reyes standing in the opening between the kitchen and the living room/bedroom. He was covered in blood from his neck down. [redacted] asked where [redacted] was. Reyes responded that, "[redacted] life was terminated." [redacted] then saw [redacted] laying on the floor covered in blood. He ran to call the police.

Reyes turned and looked at [redacted] and told her, "You are going to pay for it because this is all your fault." He said the same to [redacted] and then said, "I am not going to leave you alone. It is [redacted] end." Reyes then closed and locked the window.

Deputies Daniel Chavez and [redacted] responded to the domestic disturbance call. After speaking with [redacted] they attempted to enter the apartment. They were unable to open the security door at the front entrance. The kitchen window was also inaccessible. Chavez and [redacted] called for backup and the assistance of the fire department to use their pick/ram to open the front door.

Deputy Antonio Sanchez and Sergeant Albert Ortiz arrived at approximately the same time as the fire department. Utilizing the pick/ram Ortiz pried open the front door. In addition to numerous locks, there were several pieces of furniture braced against the door to prevent entry. Ortiz and Sanchez pushed the door open. Ortiz, Sanchez, Chavez and [redacted] then entered the apartment. Ortiz, who entered first, told the other deputies that he saw a female on the floor with extensive blunt trauma to her head and upper body. All noted that there was extensive blood splattering, brain matter and skull fragments on the walls, floor and furniture in the combination living room and bedroom.

Suddenly, Reyes walked into the room. He was covered in blood and held a utility knife in his right hand. Reyes suddenly ran toward Ortiz while waving the utility knife in a slashing motion.

Fearing for Ortiz's safety and the safety of the other deputies, Chavez and Sanchez fired multiple shots striking Reyes. Reyes continued toward Ortiz, slashed Ortiz across the chest and cut his shirt. Fearing for his life, Ortiz also fired several shots at Reyes.

Paramedics were summoned and pronounced [redacted] dead at the scene. Deputy Medical Examiner Jeffrey P. Gutstadt, M.D., performed an autopsy on the body of [redacted] It is his opinion that the cause of death was sharp force trauma to [redacted] cervical spine. There was severing of the great vessels in her neck. Additionally, multiple blows to her head resulted in massive scalp lacerations, numerous depressed and comminuted skull fractures, massive extrusion of brain and cranial contents to the outside, and destruction of the posterior brain and right brain. There was additional blunt force trauma throughout the body.

Reyes was treated by paramedics at the scene. They noted that he had a self inflicted neck wound that had severed his trachea. Reyes was transported to Martin Luther King Jr., Hospital where he expired from his gunshot injuries.

Deputy Medical Examiner Jeffrey P. Gutstadt, M.D., performed an autopsy on the body of Juan Reyes. It is his opinion that the cause of death was multiple gunshot wounds. He suffered 14 gunshot wounds to the upper torso, one gunshot wound to the upper back and one gunshot wound to the right arm.

LEGAL ANALYSIS AND CONCLUSION

California law permits the use of deadly force in self-defense or in the defense of another if it reasonably appears to the person claiming the right of self-defense or the defense of another that he actually and reasonably believed that he was in imminent danger of great bodily injury or death. People v. Williams (1977) 75 Cal. App. 3d 731.

In protecting himself or another, a person may use all force and means which he believes to be reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to prevent the injury which appears to be imminent. California Jury Instructions--Criminal (CALJIC) 5.30 and 5.32.

"The 'reasonableness' of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight....The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments--in circumstances that are tense, uncertain, and rapidly evolving--about the amount of force that is necessary in a particular situation." Graham v. Connor (1989) U.S. 386, 196-397, 104 L. Ed.2d 443, 109 S. Ct. 1865.

In the instant case, deputies entered a bloody crime scene and were immediately confronted by a suspect wielding a weapon. Reyes had fatally assaulted [redacted] and then barricaded himself in his apartment. He threatened his neighbors and assaulted responding deputies with a deadly weapon. In self-defense and defense of others Ortiz, Sanchez and Chavez fired at Reyes.

It is the conclusion of this office that Sergeant Albert Ortiz and Deputies Daniel Chavez and Antonio Sanchez acted lawfully in self-defense and defense of others. Accordingly, we will take no further action in this matter. Our file is now closed.

Very truly yours,

STEVE COOLEY
District Attorney

By Valerie C. Aenlle-Rocha

VALERIE C. AENLLE-ROCHA
Deputy District Attorney
(213) 974-3891

c: Sergeant Albert Ortiz #[redacted]
Deputy Daniel Chavez #[redacted]
Deputy Antonio Sanchez #[redacted]